

REMARKS

This communication responds to the Office Action of January 3, 2007.

By this communication, claims 1, 7, 8, 10, 17, 18, 22, 26 and 28 are amended. Claim 9 is canceled. Claims 33-36 are added. Therefore, claims 1-8 and 10-36 are pending.

The claim amendments and additions do not add new matter.

Reconsideration is requested.

Rejection under 35 U.S.C. § 102

Claims 1-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Behnke (US Patent 5,520,641).

Claims 1-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ouchi (US Patent 6,210,377).

The 102(b) rejections are improper for at least the following reasons.

Behnke discloses an IV injection and sampling site with a septum having multiple openings. As shown in Fig. 9 of Behnke, each of the openings 148 in septum 126 is circular. Other septum configurations are depicted in Fig. 6. Behnke does not disclose or suggest a shape other than circular.

Ouchi discloses a treatment accessory for an endoscope. Figs. 82-86 depict packing of a forceps tap including slits 2723-2725 and hole 2727. Neither the slits or hole have an oval shape. Further, Ouchi does not teach anywhere that the slits or hole could have an oval cross-section.

For at least the preceding reasons, the § 102(b) rejections over Behnke and Ouchi are improper, and reconsideration and withdrawal of the rejections are requested.

Dependent Claims

Claims 2-6, 10-16, 19-21 and 23-32 depend from independent claims 1, 8, 18 and 22 and include further recitations. Therefore, claims 2-6, 10-16, 19-21 and 23-32 are distinguishable over the cited art.

New Claims

New claims 33-36 are distinguishable over the cited art.

New claim 33 includes an elastic membrane for biological applications that includes a first passage and another at least one passage. The first passage extends through a substantially central portion of the membrane, and the first passage includes a cross-sectional area that is different from the another at least one passage. Neither Behnke nor Ouchi disclose or teach such an arrangement.

New claim 34 depends from claim 33 and includes a further recitation that “the at least one other passage comprises a hollow space having a cylindrical cross-section.” Therefore, claim 34 is patentable over Behnke and Ouchi for at least the same reasons as claim 33.

New claim 35 depends from claim 33 and includes a further recitation that “the at least one other passage is not permeable by the cannula.” Therefore, claim 35 is patentable over Behnke and Ouchi for at least the same reasons as claim 33.

New claim 36 is directed toward a connecting device for connecting a fluid guiding means that includes, *inter alia*, “an elastic membrane comprising a passage having an oval cross-section into which said cannula can be inserted to establish the connection; d) said elastic membrane further comprising a plurality of hollow spaces adjacent to the passage, the hollow spaces not permeable by the cannula.” Neither Behnke nor Ouchi discloses or suggests an elastic membrane having an oval cross-section. Further, neither discloses or teaches an elastic membrane having a plurality of hollow spaces adjacent to the passage. Therefore, claim 36 is patentable over Behnke and Ouchi.

For at least the preceding reasons claims 33-36 are allowable.

Conclusion

This response is being submitted on or before June 4, 2007, with the required fee of \$1,000.00 which includes the fee for a two-month extension of time in the amount of \$450.00, making this a timely response, and \$550.00 for new claim fees. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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